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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,982	08/09/2002	Irina Caminschi	FBRC:011US	4763

32425 7590 09/08/2005

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EXAMINER

JUEDES, AMY E

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,982

Applicant(s)

CAMINSCHI ET AL.

Examiner

Amy E. Juedes, Ph.D.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 27-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1 and 27-72 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1644

DETAILED ACTION

1. Restriction is required under 35 U.S.C. 121 and 372.
2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
3. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1 and 27-35, drawn to an isolated polypeptide comprising the amino acid sequence of SEQ ID NO: 1 or 2.

Group II, claims 36-43, drawn to an isolated ligand or antibody that interacts with functional fragment of SEQ ID NO: 1 or 2.

Group III, claims 44-53, drawn to an isolated nucleic acid molecule comprising the sequence of SEQ ID NO: 3 or 4.

Group IV, claims 54-55, drawn to a an isolated nucleic acid encoding the binding region of a ligand.

Group V, claims 56-61, drawn to a composition comprising a ligand and an antigen.

Group VI, claim 62, drawn to a composition comprising a nucleic acid molecule encoding a ligand and an antigen.

Group VII, claim 63, drawn to a method of screening a compound for immunological regulatory activity.

Group VIII, claims 64-65, drawn to a method of isolating an antigen presenting cell.

Group IX, claims 66-68, drawn to a method of immunizing a subject by administering antigen presenting cells.

Group X, claims 69-72, drawn to a method of modulating an immune response by administering a ligand.

4. The inventions listed as Groups I-X do not relate to a single general inventive concept under PCT Rule 13.1 because,

Art Unit: 1644

under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reason:

The invention of Group I, the isolated polypeptide at least 50% identical to the amino acid sequence of SEQ ID NO: 1 or 2, was found to have no special technical feature that defined the contribution over the prior art of Lin et al., Genomics, Vol. 67, pg 188-200.

Lin et al. disclose an amino acid sequence on page 191 that has 63% and 65% identity to the amino acid sequence of SEQ ID NO: 1 and 2, respectively.

5. Since Applicant's inventions do not contribute a special technical feature when viewed over the prior art they do not have a single general inventive concept and so lack unity of invention.

6. Accordingly, Groups I-X are not so linked as to form a single general inventive concept and restriction is proper.

7. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

8. The species are as follows:

The polypeptide sequence set forth in SEQ ID NO: 1-2, the corresponding nucleic acid sequences they are encoded by, set forth in SEQ ID NO: 3-4, the ligands which bind the polypeptides set forth in SEQ ID NO: 1-2, and the nucleic acid sequence of the ligands which bind the polypeptides set forth in SEQ ID NO: 1-2

9. The claims are deemed to correspond to the species listed above in the following manner:

Claims 1 and 27-35: SEQ ID NO: 1-2

Claims 44-53: SEQ ID NO: 3-4

Claims 36-43 and 56-61: the ligands that binds the polypeptides set forth in SEQ ID NO: 1-2

Claims 62 and 54-55: the nucleic acid sequence of the ligands that binds the polypeptides set forth in SEQ ID NO: 1-2

Art Unit: 1644

10. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The special technical feature of each species is its amino acid sequence and/or its encoding nucleic acid sequence and/or its binding specificity. The species are structurally and functionally distinct.

11. Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

12. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy E. Juedes, Ph.D. whose telephone number is 571-272-4471. The examiner can normally be reached on 8am - 5pm, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/070,982

Page 5

Art Unit: 1644

Amy Juedes, Ph.D..
Patent Examiner
Technology Center 1600
August 18, 2005


8/19/05

G.R. EWOLDT, PH.D.
PRIMARY EXAMINER